



# Department of Public Health and Human Services

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## DPHHS Technical Guidance on exchanges involving home canned goods.

This memo provides guidance related to new legislation (Senate Bill 94) regarding exchanges between home canners and gardeners. The purpose is to clarify and help ensure consistent application of the law throughout the state. This bill will become effective October 1, 2013.

Montana Code Annotated (MCA) 50-50-102 was amended to allow non-monetary transactions of home canned goods, home-brewed beer, and dehydrated fruits and vegetables without a DPHHS retail food license.

Specifically:

MCA **Section 1.** Section 50-50-102, MCA, is amended to read:

**50-50-102. Definitions.** *Unless the context requires otherwise, in this chapter, the following definitions apply:*

*(4) (a) "Establishment" means a retail food manufacturing establishment, meat market, food service establishment, perishable food dealer, or water hauler.*

*(b) The term does not include people who gather to exchange in nonmonetary transactions:*  
*(i) high-acid canned goods, including but not limited to tomato sauce, fruits, pickles, or other vinegar-based foods;*  
*(ii) home-brewed beer; or*  
*(iii) dehydrated fruits and vegetables.*

Guidance and Interpretation:

1. Definition of "non-monetary transaction" is a transaction that does not involve the transfer of money.
2. An exchange group would qualify as an exclusion from the definition of "Food Service Establishment" in the Administrative Rules of Montana (ARM) 37.110.203 (26)(g) which indicates such an exchange is "a private organization serving food to only its members".
3. Please note that exchanges between private individuals of the items listed in this bill, as well as items not listed, were not previously regulated, nor will they be regulated now. However if a situation outside the scope of this statute is encountered, please contact FCSS for guidance.

This guidance and interpretation applies only to private exchange groups. All other requirements in MCAs and ARMs applicable to licensure of retail food establishments remain unchanged.

For more information, please contact DPHHS-FCSS at 406-444-2408 or visit our website: [www.fcss.mt.gov](http://www.fcss.mt.gov)

May 9, 2013